

**RECEIVED
CENTRAL FAX CENTER****DEC 03 2004**

PTO/58/97 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Application Number: 09/802,309

Filing Date: Mar 07, 2001

Certificate of Transmission under 37 CFR 1.8

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1. Fee Transmittal
2. Response to the Office Action dated 11/2/04 (24 pages)

Total pages: 26
(703) 872-9306
MS1-327USC1

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PTO/SB/17 (10-04)

Approved for use through 07/31/2006, OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 792.00**Complete if Known**

Application Number	09/802,309
Filing Date	3/7/2001
First Named Inventor	Murali R. Krishnan
Examiner Name	Pizarro, R.
Art Unit	2661
Attorney Docket No.	MS1-327USC1

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	12-0789
Deposit Account Name	Lee & Hayes, PLLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1)

0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	49	-68 = 0 x 18	= 0
Indep. Claims	18	-9 = 9 x 88	= 792
Multiple Dependent			=

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

792.00

**or number previously paid, if greater. For Reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	1053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for ex parte reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examination action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 430	2252 215	Extension for reply within second month
1253 980	2253 490	Extension for reply within third month
1254 1,530	2254 765	Extension for reply within fourth month
1255 2,080	2255 1,040	Extension for reply within fifth month
1401 340	2401 170	Notice of Appeal
1402 340	2402 170	Filing a brief in support of an appeal
1403 300	2403 150	Request for oral hearing
1451 1,510	1451 1,510	Petition to Institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,330	2453 665	Petition to revive - unintentional
1501 1,370	2501 685	Utility issue fee (or release)
1502 490	2502 245	Design issue fee
1503 660	2503 330	Plant issue fee
1480 130	1480 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Sheet
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 790	2809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))
1801 790	2801 395	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application.

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

0.00

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Altan T. Sponseller	Registration No. (Attorney/Agent)	38318	Telephone	509-324-9258
Signature		Date	12/3/04		

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RECEIVED
CENTRAL FAX CENTER**DEC 03 2004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No.09/802,309
Filing Date3/7/01
Inventor..... Murali R. Krishnan
Group Art Unit2661
ExaminerPizarro, Ricardo M.
Attorney's Docket No.MS1-327USC1
Confirmation No.....3155
Title: Adaptive Bandwidth Throttling for Network Services

RESPONSE TO OFFICE ACTION DATED NOVEMBER 2, 2004

To: Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

From: Allan T. Sponseller (Tel. 509-324-9256 x215; Fax 509-323-8979)
Lee & Hayes, PLLC
421 W. Riverside Ave., Suite 500
Spokane, WA 99201

Sir:

In response to the Office Action of November 2, 2004, in connection with the above-identified application, the following remarks are submitted. Favorable consideration is respectfully requested.

A detailed listing of the claims is provided below. A status identifier is provided for each claim in a parenthetical expression following each claim number.